

Senate Bill No. 515

CHAPTER 600

An act to amend Sections 40183, 40184, 40973, 41730, and 41731 of, and to amend, repeal, and add Section 48007 of, the Public Resources Code, relating to waste management.

[Approved by Governor October 5, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 515, Chesbro. Waste management.

(1) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, establishes an integrated waste management program. The act requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Existing law also requires each city, county, and city and county to adopt a nondisposal facility element consistent with the implementation of the source reduction and recycling element. Existing law requires the nondisposal facility element, and any amendments to the element, to be appended to the source reduction and recycling element when that element is included in the integrated waste management plan.

This bill would authorize, rather than require, the nondisposal facility element to be appended to the source reduction and recycling element.

Existing law defines terms for purposes of the act and requires the board to adopt regulations that define "rural area" in a manner that establishes criteria and conditions applicable only to counties and cities located in those areas of the state that are rural in character, including those counties and cities that are located in agricultural or mountainous areas of the state and geographically distant from markets for recyclable materials.

This bill would delete the requirement that the board adopt regulations that define "rural area." The bill, instead, would define "rural area," in statute for purposes of the act, to mean those counties and cities located in agricultural or mountainous areas of the state and located outside the Department of Finance's Primary Metropolitan Statistical Areas. The bill would revise the definition of "rural city" for purposes of the act.

(2) Existing law requires that recycled materials and inert waste removed from the waste stream, and not disposed of in a solid waste landfill, not be included for the purpose of assessing specified fees.

This bill would specify, until January 1, 2002, the meaning of inert waste for the purposes of this provision.

This bill would declare that this definition does not affect specified provisions relating to the use of solid waste for beneficial reuse in the construction and operation of a solid waste landfill, relating to specified diversion requirements, and relating to the authority of the Integrated Waste Management Board to permit, adopt standards, or otherwise regulate specified aspects of solid waste management.

The people of the State of California do enact as follows:

SECTION 1. Section 40183 of the Public Resources Code is amended to read:

40183. (a) "Rural city" means either of the following:

(1) An incorporated city that has a geographic area of less than three square miles, has a current waste disposal rate of less than 100 cubic yards per day, or 60 tons per day, and is located in a rural area.

(2) An incorporated city that has a population density of less than 1,500 people per square mile, has a current waste disposal rate of less than 100 cubic yards per day, or 60 tons per day, and is located in a rural area.

(b) Nothing in this section shall affect any reduction granted to a rural city or rural county by the board pursuant to Section 41787 prior to September 1, 1994.

SEC. 2. Section 40184 of the Public Resources Code is amended to read:

40184. (a) "Rural county" means any county that has a population of 200,000 or less and is located in a rural area.

(b) For the purposes of this section, Section 40183, and subdivision (d) of Section 40973, "rural area" means those counties and cities located in agricultural or mountainous areas of the state and located outside the Department of Finance's Primary Metropolitan Statistical Areas.

(c) Nothing in this section shall affect any reduction granted to a rural city or rural county by the board pursuant to Section 41787 prior to September 1, 1994.

SEC. 3. Section 40973 of the Public Resources Code is amended to read:

40973. (a) The regional agency, and not the cities or counties that are member agencies of the regional agency, may be responsible for compliance with Article 1 (commencing with Section 41780) of Chapter 6 if specified in the agreement pursuant to which the regional agency is formed.

(b) Notwithstanding Section 41782, except as provided in subdivision (c), if a regional agency has been specified in the regional agency formation agreement as the responsible party for compliance with Article 1 (commencing with Section 41780) of Chapter 6 of Part

1, neither the regional agency nor any member jurisdiction of the regional agency shall be eligible for a reduction of the diversion requirements of Section 41780.

(c) The regional agency may be eligible for a reduction of diversion and planning requirements if all member jurisdictions of a regional agency are rural cities or rural counties, as defined, respectively, in Sections 40183 and 40184.

(d) The regional agency may be eligible for a reduction of planning requirements if all member jurisdictions of a regional agency are cities located in both a rural area and a rural county, as defined in Section 40184, and an unincorporated portion of a county.

(e) (1) If, pursuant to subdivision (a), a regional agency is specified in the regional agency formation agreement as the responsible party for compliance with Article 1 (commencing with Section 41780) of Chapter 6, the regional agency shall not be comprised of more than two counties and all of the cities within those two counties, except as otherwise authorized by the board.

(2) The board may authorize the formation of a regional agency that exceeds two counties and all of the cities within those two counties, for purposes of compliance with Article 1 (commencing with Section 41780) of Chapter 6, if the board finds that the formation of the regional agency will not adversely affect compliance with this part.

SEC. 4. Section 41730 of the Public Resources Code is amended to read:

41730. Except as provided in Section 41750.1, each city shall prepare, adopt, and, except for a city and county, transmit to the county in which the city is located a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a city source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any amendments to the element may be appended to the city's source reduction and recycling element when that element is included in the countywide integrated waste management plan, prepared pursuant to Section 41750. The nondisposal facility element and any amendments to the element shall not be subject to the approval of the county and the majority of cities with the majority of the population in the incorporated area.

SEC. 5. Section 41731 of the Public Resources Code is amended to read:

41731. Except as provided in Section 41750.1, each county shall prepare, adopt, and, except for a city and county, transmit to the cities located in the county a nondisposal facility element that includes all of the information required by this chapter and that is consistent with the implementation of a county source reduction and recycling element adopted pursuant to this part. The nondisposal facility element and any amendments to the element may be



appended to the county's source reduction and recycling element when that element is included in the countywide integrated waste management plan prepared pursuant to Section 41750. The nondisposal facility element and any amendments to the element shall not be subject to the approval of the majority of cities with the majority of the population in the incorporated area.

SEC. 6. Section 48007 of the Public Resources Code is amended to read:

48007. (a) Recycled materials and inert waste removed from the waste stream and not disposed of in a solid waste landfill shall not be included for the purpose of assessing fees imposed pursuant to Section 48000.

(b) For purposes of this section, and only for the purpose of determining whether fees shall be imposed pursuant to Section 48000, "inert waste removed from the waste stream and not disposed of in solid waste landfills" includes the use, disposal, or placement of solely inert waste on property where surface mining operations, as defined in Section 2735, are being conducted, or have been conducted previously, as long as the use, disposal, or placement is for purposes of reclamation, as defined in Section 2733, pursuant to either of the following:

(1) A reclamation plan approved pursuant to Section 2774.

(2) For surface mining operations conducted prior to January 1, 1976, an agreement with a city or county, or a permit issued by a city or county, that provides for a fill appropriately engineered for the planned future use of the reclaimed minesite.

(c) For purposes of this section, "inert waste" means rock, concrete, brick, sand, soil, and cured asphalt only. In addition, inert waste does not include any waste that meets the definition of "designated waste" as defined in Section 13173 of the Water Code or "hazardous waste" as defined by Section 40141.

(d) This section shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2002, deletes or extends that date.

SEC. 7. Section 48007 is added to the Public Resources Code, to read:

48007. (a) Recycled materials and inert waste removed from the waste stream and not disposed of in a solid waste landfill shall not be included for the purpose of assessing fees imposed pursuant to Section 48000.

(b) This section shall become operative on January 1, 2002.

SEC. 8. The amendments made to Section 48007 of the Public Resources Code by Section 6 of this bill shall not be construed to affect any of the following:

(a) Affect the provisions of Section 41781.3 of the Public Resources Code.



(b) The provisions of Article 1 (commencing with Section 41780) of Chapter 6 of Part 2 of Division 27 of the Public Resources Code and implementing regulations relating to the determination of the base amount from which diversion requirements shall be calculated or what constitutes diversion from disposal and transformation.

(c) The authority of the California Integrated Waste Management Board to permit, adopt standards, or otherwise regulate solid waste disposal, solid waste handling, solid waste facilities, or solid waste landfills in accordance with Division 30 (commencing with Section 40000) of the Public Resources Code and with the board's implementing regulations.

SEC. 9. The Legislature finds and declares that the amendments made to Section 48007 of the Public Resources Code by Section 6 of this act do not constitute a change in, but constitute a clarification of, existing law.

SEC. 10. The clarifying amendments made to Section 48007 of the Public Resources Code by Section 6 of this act shall not be effective after January 1, 2002. However, the use, disposal, or placement of solely inert waste prior to January 1, 2002, for purposes of mine reclamation on property where surface mining operations have been conducted shall not be subject to disposal fees imposed pursuant to Section 48000 of the Public Resources Code, and no fee shall be imposed retroactively on and after January 1, 2002.

SEC. 11. It is the intent of the Legislature, in enacting this act, to remedy any ambiguity in the applicability of the Integrated Waste Management Fee, as imposed pursuant to Part 23 (commencing with Section 45001) of Division 2 of the Revenue and Taxation Code, to any inert waste disposal facility that is issued a solid waste facility permit prior to January 1, 2002, and to set forth an equitable resolution of the fee applicability issued by establishing a date certain upon which the fee will become applicable to any permitted inert disposal facility.

